

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC,  
Plaintiff,

vs.

GOOGLE INC., et al.,  
Defendants.

Civil Action No. 2:07-cv-371-CE  
JURY TRIAL DEMANDED

**YAHOO'S MOTION FOR LEAVE TO FILE A SUR-REPLY  
IN RESPONSE TO BRIGHT RESPONSE'S MOTION TO COMPEL  
PRODUCTION OF SOURCE CODE**

Defendant Yahoo! Inc. ("Yahoo") submits this motion for leave to file a sur-reply to inform the Court of relevant information and events that have occurred after the parties' briefing on this issue. Specifically, by October 7, 2009, Yahoo produced all of the source code that is the subject of plaintiff Bright Response, LLC's ("Bright Response's") motion to compel. This sur-reply brief will explain these facts surrounding Yahoo's production. For this reason, Yahoo respectfully requests leave to file a sur-reply brief.

Dated: November 3, 2009

Respectfully submitted,

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/s/ Jason White

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Attorneys for Defendant  
Yahoo! Inc.

**CERTIFICATE OF SERVICE**

This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 3, 2009.

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/s/ Jason White

Jason White

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(h), Defendant Yahoo hereby certifies that its counsel has conferred, on numerous occasions, with opposing counsel in a good faith to attempt to resolve this matter without the Court's intervention. Plaintiff, Bright Response opposes this motion.

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/s/ Jason White

Jason White